

**\*E-Filed 04/19/2010\***

**United States District Court**  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

FEDERAL TRADE COMMISSION,

No. C 09-03814 RS

Plaintiff,

**ORDER DENYING STIPULATION TO  
SEAL PARTIALLY FIRST AMENDED  
COMPLAINT**

v.

MARK BENNING, et al.,

Defendants.

On April 16, 2010, the parties filed a stipulation to seal certain paragraphs in the First Amended Complaint ("FAC"). The parties reference paragraphs 39, 48 and 54 in their stipulation; these paragraphs allege income information concerning defendants Benning, Patterson and Strober. While defendants cite to the general right of privacy grounded in the California Constitution, this is not a sufficient basis to seal the information contained in the referenced paragraphs in this court. Materials filed in the docket of the federal court are presumptively available for public review. Therefore, plaintiffs shall file the unsealed FAC on or before April 20, 2010.

IT IS SO ORDERED.

Dated: 04/19/2010



RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE

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